S.B.CR. MISC. BAIL APPLICATION NO.5419/2007

(Gajendra Gehlot vs. State of Rajasthan)

Date of Order : November 16, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.Ashok Joshi, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that the marriage of the first informant Indubala with the petitioner is not disputed but the marriage has not been consummated as there had not been "Muklawa".

I have gone through the statement of first informant Indubala, who has stated that she married to the petitioner and the "Muklawa" ceremony was solemnized in the month of January, 2001 and since then she lived at her in-laws house. She categorically stated that the dowry articles were given at the time of "Muklawa" and thereafter she has been subjected to

cruelty and harassment in connection with demand of dowry and a sum of Rs.50,000/- was given to the petitioner and her mother-in-law and thereafter also constant demand has been made. It is also alleged that the petitioner contracted second marriage while his first marriage with the first informant is subsisting. There are certain photographs placed on record showing the marriage of the first informant with the petitioner.

Keeping in view the allegations levelled against the petitioner for not returning the dowry articles, which is "Stridhan" of the first informant and misappropriated the same as also subjecting her to the cruelty, in my view, it cannot be said that the marriage has not been consummated and the "Muklawa" ceremony has not taken place. In this view of the matter, I do not find it a fit case to grant anticipatory bail to the petitioner.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-